Calendar No. 766

99TH CONGRESS
2d Session

SENATE

REPORT
99-364

DECLARING THAT THE UNITED STATES HOLDS CERTAIN LANDS IN TRUST FOR THE RENO SPARKS INDIAN COLONY

AUGUST 1 (legislative day, JULY 28), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 3212]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 3212) to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

PURPOSE OF THE MEASURE

H.R. 3212, as reported, would provide for the transfer of 1,949.39 acres of public land in Washoe County, Nevada, to be held in trust by the United States for the Reno Sparks Indian Colony.

BACKGROUND AND NEED

The Reno Sparks Indian Colony was established in 1917 through the purchase of a 20-acre track of land by the Federal Government for $6,000. The tribe has grown over 400 percent since the colony's establishment and is seeking an expanded land base for housing and economic development.

H.R. 3212 creates a new colony of some 1,949 acres in Hungry Valley, approximately 10 miles north of Reno, Nevada. The Act provides that nothing in the legislation shall deprive any person of any right-of-way, mining claim, water right, or other interest in such lands established before enactment.

H.R. 3212 requires the Secretary of the Interior to cancel all grazing permits and leases on specified lands and to compensate the holders of such permits and leases for not more than fair

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market value of any improvements on the subject lands. The measure also authorizes and directs the Secretary of the Treasury to pay to the Secretary of the Interior such sums as are necessary to compensate such holders.

Legislative History

H.R. 3212 was introduced by Representative Vucanovich on August 1, 1985. The measure passed the House of Representatives on April 21, 1986. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on a companion bill, S. 1568, on March 4, 1986. That bill was introduced on August 1, 1985 by Senator Laxalt and Senator Hecht.

At a business meeting on July 16, 1986, the Senate Committee on Energy and Natural Resources ordered H.R. 3212 favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 16, 1986, by a unanimous vote of a quorum present recommends that the Senate pass H.R. 3212.

The rollcall vote on reporting the measure was 17 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans*	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum*	
Mr. Bradley*	
Mr. Bingaman*	
Mr. Rockefeller*	

*Indicates vote by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 22, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3212, an act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony, as ordered reported by the Senate Committee on Energy and Natural Resources, July 16, 1986.

We estimate that enactment of this legislation would not result in any additional costs to the federal government or to state or local governments. While the act directs the Secretary of the Interior to compensate grazing permit holders for any permanent, immovable improvements made to the lands, we believe that no such improvements exist and therefore that no compensation would be required.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3212. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3212 as reported.

EXECUTIVE COMMUNICATIONS

On July 16, 1986, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth executive views on H.R. 3212. These reports had not been received at the time the report on H.R. 3212 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 3212 as ordered reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF AUGUST 9, 1955

(69 Stat. 539, as amended; 25 U.S.C. 415)

(a) Any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, residential, or business purposes, including the development or utilization of national resources in connection with operations under such leases, for grazing purposes, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed twenty-five years, except leases of land located outside the boundaries of Indian reservations in the State of New Mexico, leases of land on the Agua Caliente (Palm Springs) Reservation, the Dania Reservation, the Moapa Indian Reservation, the Swinomish Indian Reservation, the Southern Ute Reservation, the Fort Mojave Reservation, the Burns Paiute Reservation, the Coeur d'Alene Indian Reservation, the Kalispel Indian Reservation, the pueblo of Cochiti, the pueblo of Pojoaque, the pueblo of Tesuque, the pueblo of Zuni, the Hualapai Reservation, the Spokane Reservation, the San Carlos Apache Reservation, Yavapai-Prescott Community Reservation, the Pyramid Lake Reservation, the Gila River Reservation, the Soboda Indian Reservation, the Tulalip Indian Reservation, the Navajo Reservation, leases the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington, and lands held in trust for the Las Vegas Paiute Tribe of Indians, and lands held in trust for the Twenty-nine Palms Band of Luiseno Mission Indians, *and lands held in trust for the Reno Sparks Indian Colony,* and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation, which may be for a term of not to exceed ninety-nine years, and except leases of land for grazing purposes which may be for a term of not to exceed ten years. Leases for public, religious, educational, recreational, residential, or business purposes (except leases the initial term of which extends for more than seventy-four years) with the consent of both parties may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years, and all leases and renewals shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior. Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures or other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.

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